

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

v.

JOHNNY GUNTER

: CRIMINAL ACTION
: NO. 04-295
:
: CIVIL ACTION
: NO. 11-5717

ORDER

FILED

FEB 02 2012

MICHAEL E. KONZ, Clerk
By: [Signature] Dep. Clerk

AND NOW, this 2nd day of February 2012, upon consideration of Defendant's *pro se* Motion to Vacate/Set Aside/Correct Sentence Under 28 U.S.C § 2255 and Brief in Support of Motion (Doc. No. 120), the Government's Response in Opposition to Defendant's Motion (Doc. No. 126), the Report and Recommendation filed by United States Chief Magistrate Judge Carol Sandra Moore Wells (Doc. No. 127), and after an independent review of the pertinent record, it is ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Motion to Vacate/Set Aside/Correct Sentence Under 28 U.S.C § 2255 is DENIED.
3. Petitioner has neither shown a denial of a constitutional right, nor established that reasonable jurists would disagree with this Court's disposition of his claims. Consequently, a certificate of appealability is DENIED.

BY THE COURT:


JOEL H. SLOMSKY, J.